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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,366	03/02/2000	Jeffrey S Barber	10970975-1	4565
22879	7590	12/21/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				OPIE, GEORGE L
ART UNIT		PAPER NUMBER		
		2126		

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/517,366 Examiner	Barber et al. Art Unit
	George L. Opie	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) Responsive to communication(s) filed on 26 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) Claim(s) is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) is/are objected to.
- 8) Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) All
 - b) Some
 - * c) None of the CERTIFIED copies of the priority documents have been:
 1. received.
 2. received in Application No. (Series Code / Serial Number) .
 3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <input type="checkbox"/>
15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/>	19) <input checked="" type="checkbox"/> Other: Text Doc for USP6,144,960

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DETAILED ACTION

This Office Action vacates the previous rejection in response to Applicant's arguments filed 7 October 2004.

1. Request for copy of Applicant's response on floppy disk:

Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on a 3½ inch IBM format floppy disk.

Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

2. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*. Consistent with Office procedure, the U.S. Patents corresponding to the *text documents* are also included with this action.

3. **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McNabb et al. (U.S. Patent 6,289,462) in view of Okada et al. (U.S. Patent 6,144,960).

As to claim 1, McNabb teaches a "trusted server computing system is provided for permitting controlled execution of processes", p6 28-43 comprising:

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a software process operating on a computer “process is the instance of a running program ... such as a network browser”, p9 23-40 the process including a plurality of attributes “attributes of the process”, Id.

an operating system kernel “Unix ... kernel”, p10 37-56 in communication with the software process “requesting process”, Id. and in communication with an executable file to be accessed by said software process “permissions permit the execution of the file”, Id. and

“[w]hen a process attempts to access a file system object, the OS compares various attributes of the process with attributes of the object, and allows or denies access”, p8 44-57 through the use of a “database and privilege sets of the file” p14 21-47.

McNabb does not explicitly disclose the additional limitations detailed below.

Okada (p24 16-29) teaches the function to modify the plurality of attributes (newly adds information ... and changes the status to permitted) for the software process based on an executable environment attribute (status of the software program with the software program code) stored in association with the executable file (management information of the software program).

It would have been obvious to combine Okada’s teachings with McNabb because the registering/management system with its supervising function enables an enhanced means for “publishing software programs”, p16 20-45 while at the same time it “securely supports the usage” rights-protections of the program.

As to claim 2, McNabb (p5 26-37) teaches a sensitivity label in conjunction with extended attributes for augmenting security.

As to claim 3, McNabb (p9 23-40) teaches “the trusted server system has added an ‘authorization database’ in the OS that is used to see if the user running the process can access or execute the requested program.”

As to claim 4, McNabb (p9 23-40) teaches “the OS compares the attributes of the process to . . . user and group identifiers”.

As to claim 5, McNabb (p16 1-25) teaches the “application resides in its own compartment”.

As to claims 6-8, McNabb (pp21-22) teaches the web server, file transfer and mail server processes.

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As to claim 9, McNabb (p17 12-27) teaches the processor associates user process privileges with the requested object upon commencing connection/execution with that object.

As to claim 10, McNabb (p21 37-55) teaches the updating/replacing of attributes associated with a process.

As to claims 11-20, note the rejections of claims 1-10 above. Claims 11-20 are the same as claims 1-10, except claims 11-20 are method claims and claims 1-10 are apparatus claims.

As to claims 21-30, note the rejections of claims 1-10 above. Claims 21-30 are the same as claims 1-10, except claims 21-30 are computer program product claims and claims 1-10 are apparatus claims.

5. Claims 31-40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McNabb and Okada as applied to claims 1, 11, 21 respectively, and further in view of Johnson et al. (U.S. Patent 5,560,008).

As to claims 31-33, Johnson (pp8-14) teaches security inheritance and flags, and from this, one skilled in the art would have provided the inherit flag and the operations associated with passing along privileges. It would have been obvious to combine Johnson's teachings with McNabb as modified because the inheritance mechanism obviates redundant security overhead by using the authentication credentials that have already been established in the safe-session protocol.

As to claims 34-37, note the rejections of claims 31-33 above. Claims 34-37 are functional equivalents of claims 31-33, except claims 34-37 are method claims and claims 31-33 are apparatus claims.

As to claims 38-40, note the rejections of claims 31-33 above. Claims 38-40 are the same as claims 31-33, except claims 38-40 are computer program product claims and claims 31-33 are apparatus claims.

6. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Specifically, the below reference(s) will also have relevancy to one or more elements of the Applicant's claimed invention as follows:

U.S. Patent No. 6,061,684 to Glasser et al. which teaches the change in protection associated with an element in the access control list;

U.S. Patent No. 5,717,902 to D'Souza et al. which teaches the object service adapting features for managing application/resource interactions.

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7. Response to Applicant's Arguments:

Applicant's remarks accompanying Amendment A, have been considered, but are moot in view of the new grounds of rejection.

In considering the process attributes and the related executable environment attribute recitations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention.

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt*, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)

8. Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**

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Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at George.Opie@uspto.gov. Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.



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